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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,186	01/02/2004	Patrick Ayoub	02-022.22	3368
35374	7590	02/08/2006		
LEAR CORPORATION, BLISS MCGLYNN, P.C. 2075 WEST BIG BEAVER ROAD SUITE 600 TROY, MI 48084			EXAMINER VANterPOOL, LESTER L	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/751,186	Applicant(s) AYOUB, PATRICK	
	Examiner Lester L. Vanterpool	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>April 20, 2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on January 2, 2004 listed and referenced U.S. Patent Application Number 2002 / 0080125 A1 dated: May 01, 2003 by Cassani. U.S. Patent Application Number 2002 / 0080125 A1 is assigned to Ikeda et al., dated on June 27, 2002 and does not pertain to the current invention filed with application 10/751186. Therefore, reference number 2002 / 0080125 A1 was not considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 5 & 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Heinz (U.S. Patent Number 5685592). Heinz discloses at least one cross car bar (50) adapted for extending across the trunk space (See Figure 5); wherein, at least one recess (14) adapted to be located at the side of the trunk space, wherein the cross car bar is supported by the recess (14) (column 4, line 44 – 50) (See Figures 3 & 5);

Art Unit: 3727

wherein, at least one storage container supported by the cross car bar (50). See Figure 4.

Regarding claim 2, as stated above in claim 1, Heinz discloses the pair of recesses (14, 16 & 18), wherein each of the pair of recesses is located on opposite sidewalls of the trunk space and support opposite ends of the cross car bar (50). See Figures 1, 3, 4, & 5.

Regarding claim 4, as stated above in claim 1, Heinz discloses the storage container fits over the cross car bar (50) so as to be supported by the cross car bar (50). See Figure 4.

Regarding claim 5, as stated above in claim 1, Heinz discloses the storage container removably supported by the cross car bar (50). See Figure 4.

Regarding claim 6, as stated above in claim 1, Heinz discloses the cross bar is removably supported by the recess (14, 16, 18). See Figures 1, 3, 4 & 5.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3727

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinz (U.S. Patent Number 5685592) in view of Dixon (U.S. Patent Number 5713502). Heinz discloses the pair of front recesses (18), the pair of back recesses (14), the front cross car bar (50), and the back cross car bar (40), wherein, each of the pair of front recesses (18) supports opposite ends of the front cross car bar (50). However, Heinz does not disclose the storage container supported by both the front cross car bar and the back cross car bar. Dixon teaches the storage container (11) supported by both the front cross car bar and the back cross car bar. See Figure 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the storage container as taught by Dixon in order ensure durability while storing heavier items.


Regarding claim 7, as stated above in claim 1, Dixon discloses the length of the cross car bar (30) can be adjusted. See Figures 3, 2 and 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JES F. PASCUA
PRIMARY EXAMINER

LLV